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10 Attorneys for Defendants  
11 STEPHAN JENKINS, an Individual;  
12 BRADLEY HARGREAVES, an Individual;  
13 THIRD EYE BLIND, INC.; 3EB TOURING, INC.  
14 STEPHAN JENKINS PRODUCTIONS, INC.;  
15 3EB PUBLISHING and EMI BLACKWOOD MUSIC, INC.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

15 ANTHONY FREDIANELLI,  
16 Plaintiff,  
17 v.  
18 STEPHAN JENKINS, et al.,  
19 Defendants.

Case No.: C 11-03232 EMC  
Related Case No.: CV-11-00211  
EMC

STIPULATION AND  
[PROPOSED] ORDER  
CONTINUING CASE  
MANAGEMENT CONFERENCE

23 This Stipulation is entered into by and between all of the parties to the above  
24 action through their undersigned attorneys:

25 WHEREAS, this case was transferred from the Central District of California  
26 to the Northern District of California by Order dated June 6, 2011; and

27 WHEREAS, this case was reassigned to Judge Hon. Edward M. Chen by  
28 Order dated August 3, 2011;

1 WHEREAS, Judge Chen entered an Order on August 3, 2011 finding that  
2 this case is related to the case also pending before Judge Chen, *Stephan Jenkins, et*  
3 *al. v. Thomas Irving Mandelbaum*, et al. CV-11-0211 EMC (“The Jenkins v.  
4 Mandelbaum Case”).

5 WHEREAS, the parties to this action agreed to mediate both this case and the  
6 Jenkins v. Mandelbaum Case before the Hon. Judge Scott Snowden (Ret.) of  
7 JAMS; and

8 WHEREAS, the two cases were mediated over a two-day period, July 12 and  
9 13, 2011; and

10 WHEREAS, since the parties were still working on settlement at the  
11 conclusion of the second day of mediation, and jointly believed that additional time  
12 was needed to complete the mediation process and attempt to negotiate a global  
13 resolution of this action and The Jenkins v. Mandelbaum Case, the parties in each  
14 case requested that the Court continue the Case Management Conference; and

15 WHEREAS, the Court did continue the Case Management Conference in this  
16 action, per Order dated August 3, 2011, to November 7, 2011, which is the same  
17 date as the new Case Management Conference in The Jenkins v. Mandelbaum  
18 Case; and

19 WHEREAS, after the Case Management Conference was continued to  
20 November 7, 2011, both Plaintiff Anthony Fredianelli, and Defendants David  
21 Rawson and Zeisler, Zeisler, Rawson & Johnson, LLP, substituted out of this case  
22 their attorneys who had participated in the July mediation, for new attorneys. The  
23 parties are still working on settlement and have scheduled an additional mediation  
24 session in this case for November 16, 2011; and

25 WHEREAS, if for any reason this case does not settle through these  
26 mediation efforts, the parties agree that a trial date and discovery schedule will need  
27 to be set at the upcoming and continued Case Management Conference, since the  
28

1 parties have not engaged in any formal discovery other than limited third party  
 2 document subpoenas, focusing, rather, on mediation of the case;

3 NOW THEREFORE, the parties jointly agree to continue the Case  
 4 Management Conference now set for November 7, 2011, for at least 90 days to a  
 5 date after January 30, 2012, and further agree that this stipulation shall extend the  
 6 date of filing of the Joint Case Management Statement to be filed in the above  
 7 stated Court pursuant to Local Rule 16-9 and FRCP 26(f), and continue the  
 8 mediation completion date for 90 days or until February 29, 2012.

9  
 10 ABBEY, WEITZENBERG, WARREN  
 11 & EMERY PC

12 Dated: October 27, 2011.

13 By: /s/ Mitchell B. Greenberg  
 14 Mitchell B. Greenberg  
 15 *Attorneys for Defendants Stephan*  
 16 *Jenkins, Bradley Hargreaves, Third*  
 17 *Eye Blind, Inc., 3EB Touring, Inc.,*  
 18 *Stephan Jenkins Productions, Inc.,*  
 19 *3EB Publishing, and EMI Blackwood*  
 20 *Music, Inc.*

21 JENKINS, GOODMAN, NEUMAN &  
 22 HAMILTON, LLP

23 Dated: October 27, 2011.

24 By: /s/ Tom Prountzos  
 25 Tom Prountzos  
 26 *Attorneys for Defendants David*  
 27 *Rawson and Zeisler, Zeilser*  
 28 *Rawson & Johnson, LLP*

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FOLEY, BEZEK, BEHLE & CURTIS, LLP

Dated: October 27, 2011.

By: /s/ Roger N. Behle, Jr.

Roger N. Behle, Jr.

Justin P. Karczag

*Attorneys for Plaintiff Anthony*

*Fredianelli*

MURPHY, PEARSON, BRADLEY &  
FEENEY

Dated: October 27, 2011.

By: /s/ James A. Murphy

James A. Murphy

*Attorneys for Defendant Hiscock &*

*Barclay, LLP*

MOUND COTTON WOLLAN &  
GREENGRASS

Dated: October 27, 2011.

By: /s/ Sanjit Shah

Kenneth M. Labbate

Sanjit Shah

*Attorneys for Defendant Thomas I.*

*Mandelbaum*

### ATTESTATION OF CONCURRENCE

I, Mitchell B. Greenberg, as the ECF user and filer of this document, attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this

document has been obtained from Tom Prountzos, Roger Behle, Sanjit Shah and James Murphy, the above signatories.

ABBEY, WEITZENBERG, WARREN &  
& EMERY, PC

Dated: October 27, 2011.

By: /s/ Mitchell B. Greenberg  
Mitchell B. Greenberg  
*Attorneys for Defendants Stephan  
Jenkins, Bradley Hargreaves, Third  
Eye Blind, Inc., 3EB Touring, Inc.,  
Stephan Jenkins Productions, Inc.,  
3EB Publishing, and EMI Blackwood  
Music, Inc.*

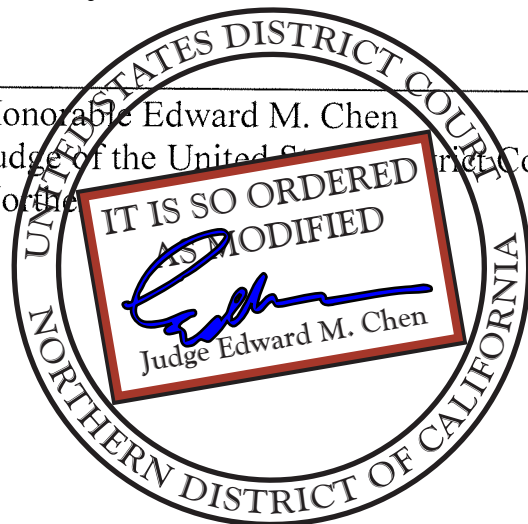
**[PROPOSED] ORDER**

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

CMC is reset from 11/7/11 to 3/9/12 at 10:30 a.m. A joint CMC Statement shall be filed by 3/2/12.

Dated: 10/31/11.

Honorable Edward M. Chen  
Judge of the United States District Court  
Northern District of California



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**CERTIFICATE OF SERVICE**

I, Mitchell B. Greenberg, attorney of record for defendants Stephan Jenkins, Bradley Hargreaves, Third Eye Blind, Inc., 3EB Touring, Inc., Stephan Jenkins Productions, Inc., 3 EB Publishing and EMI Blackwood Music, Inc., do hereby certify that on October 27, 2011, I electronically filed the foregoing **"STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE"** with the Clerk of the Court using the electronic case filing system, which will send notifications of this filing to all parties registered with the Court's electronic case filing system.

Dated: October 27, 2011.

ABBEY, WEITZENBERG, WARREN & EMERY

By: /s/ Mitchell B. Greenberg

Mitchell B. Greenberg

Mitchell B. Greenberg

*Attorneys for Defendants Stephan Jenkins,  
Bradley Hargreaves, Third Eye Blind, Inc.,  
3EB Touring, Inc., Stephan Jenkins  
Productions, Inc., 3EB Publishing and EMI  
Blackwood Music, Inc.*